

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

3124 POPPLETON AVE, LLC, a
Nebraska limited liability company;

Plaintiff,

vs.

STATE FARM FIRE AND CASUALTY
COMPANY, an Illinois corporation;

Defendant.

4:23CV3184

MEMORANDUM AND ORDER

The plaintiff initiated this action on October 2, 2023 and did not request a trial location in its complaint. ([Filing No. 1](#)) Defendant's answer designated Omaha as the place of trial ([Filing No. 8](#)) and Defendant has filed an Unopposed Motion to Change Place of trial to Omaha ([Filing No. 12](#)). For the reasons set forth below, Defendant's motion will be granted.

Under the court's rules, when deciding the place of trial "The judge shall consider the convenience of the litigants, witnesses and counsel," NECivR 40.1(b)(1), with the convenience of the litigants and witnesses generally afforded greater weight than the convenience of counsel. [Sandoval v. Peden](#), No. 4:22CV3074, 2022 WL 4017752, at *1 (D. Neb. Sept. 2, 2022), citing [Sands v. Integrated Cardiology Grp., L.L.C.](#), No. 8:22CV72, 2022 WL 1156358, at *1 (D. Neb. Apr. 19, 2022); [Bank of Beaver City v. Southwest Feeders, L.L.C.](#), No. 4:10CV3209, 2011 WL 116863, at *1 (D. Neb. Jan. 13, 2011).

This action involves a dispute arising under a property insurance policy issued by Defendant to Barrio CEO, LLC related to property losses resulting from two alleged covered-loss events; namely a fire in April 2022 and hail damage in

June 2022. Plaintiff is the assignee of Barrio CEO, LLC's insurance claims and is a Nebraska limited liability company with its principal place of business in Omaha. The members of Plaintiff are Caeden Tinklenberg of Omaha, Nathan Ante of Story City, Iowa, and Kristin Madden of Omaha. Defendant is a property-casualty insurance company with its principal place of business in Bloomington, Illinois. ([Filing No. 1](#)).

The property at issue is located in Omaha. The property manager for the insured property at the time of the alleged claim is located in Omaha, as is the primary claim representative employed by Defendant. Plaintiff's counsel is based in Denver, Colorado and Defendant's counsel is based in Omaha.

Omaha is a more convenient trial location for the litigants, witnesses, and counsel.

Accordingly,

IT IS ORDERED that the defendant's Unopposed Motion to Change Place of Trial ([Filing No. 12](#)) is granted, and the place of trial is changed to Omaha, Nebraska.

Dated this 26th day of October, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge